

M/035/003

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Wendell E. Bennett

DIVISION OF
OIL, GAS & MINING

Wendell E. Bennett

AND ASSOCIATES
ATTORNEYS AT LAW

September 22, 1993

Department of Natural Resources
Division of Oil, Gas and Mining
Three Triad Center, Suite 350
355 West North Temple
Salt Lake City, Utah 84180-1203

RE: Interstate Brick Co., Big Cottonwood Mine, M/035/003,
Salt Lake County, Utah

Dear Gentlemen:

I represent a number of clients who reside in the Canyon Cove Development in the area of approximately 6500 South and Wasatch Blvd., Salt Lake City, Utah. Their properties abut the Interstate Brick Company Big Cottonwood Mine, which was apparently abandoned by Interstate Brick Company some time ago.

I have received copies of three letters written by D. Wayne Hedberg, Permit Supervisor, Minerals Program, dated August 28, 1990; and two letters written by Anthony A. Gallegos, Reclamation Engineer under the dates of August 31, 1992 and December 3, 1992; and I am familiar with their content.

Both Mr. Hedberg and Mr. Gallegos were quite explicit in those letters written to the Salt Lake County Plan Review Section that Interstate Brick Company, under the "Utah Mine Land Reclamation Act" is required to restore the mine site to an environmentally stable condition and return to its native range land/wildlife habitat. Those letters also indicate that before a transfer of that property to any other person, that had to be completed.

As you may or may not be aware, Interstate Brick Company has now apparently attempted the transfer of that property to Mr. Plumb and Mr. Farren, doing business as City Development, Inc. The only thing that City Development, Inc. has done relative to restoring

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the land is to take a Caterpillar onto the land and break up some blacktop which they then turned under, but did not remove.

At a hearing on September 15, 1993, Salt Lake County approved a change in the zoning of the property, and I am sure that the next item on City Development, Inc.'s agenda is to seek a plat approval for residential development of the area. That being the case, I am requesting that your department immediately take appropriate action to enforce the "Utah Mine Land Reclamation Act," and require Interstate Brick Company to comply with that act.

I do not know whether there is a private cause of action allowable under that Act, however, as I have read the Act, it appears to me that the compliance with the Act should be enforced by the State of Utah, and that it should bring the appropriate resources to bear to require the restoration of the property based upon the mining activities of Interstate Brick Company in mining clay from that property.

If you could have the appropriate person contact me at their earliest convenience to discuss this matter further, it would be greatly appreciated.

Very truly yours,


Wendell E. Bennett

WEB/adg